

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Harvey Lee Eason,

Civil No. 07-2306 (RHK/JJG)

Plaintiff,

ORDER

v.

State of Minnesota,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated April 11, 2008. Petitioner has filed timely objections to that Report and Recommendation.

Based on the undersigned's de novo review of the Report and Recommendation, and the Objections thereto, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 15) is **ADOPTED**;
2. The Objections (Doc. No. 16) are **OVERRULED**; and
3. The Amended Petition for Writ of Habeas Corpus (Doc. No. 5) is

DISMISSED WITHOUT PREJUDICE.

Dated: June 2, 2008

s/Richard H. Kyle

RICHARD H. KYLE
United States District Judge